

REMARKS

Status of the Claims

Claims 1-21 are now present in this application. Claim 1 is independent.

Claims 1, 2, 4, 6-8, and 10-20 have been amended. Claim 21 has been added. Reconsideration of this application, as amended, is respectfully requested.

Priority under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed December 28, 2005, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith.

Drawings

Applicants thank the Examiner for indicating that the drawings are accepted.

Rejection Under 35 U.S.C. § 101

Claims 1-9 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner argues that a "computer-readable medium" can be broadly interpreted to include a signal which is non-statutory subject matter. Thus, the Examiner argues that the claimed invention as recited in independent claim 1 could be interpreted as a signal per se. See Office Action at page 2.

Without conceding the appropriateness of this rejection, Applicants have amended independent claim 1 to recite a "**tangible** portable recording medium" (emphasis added) to advance prosecution. It is respectfully submitted that such amendment clearly distinguishes the claimed invention over non-tangible media such as a signal per se. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Rejection Under 35 U.S.C. § 102

Claims 1, 2, 10, and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Knudson et al. (US 2005/0273819). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a "tangible and portable recording medium on which information is digitally recorded to be read and processed by a processor-based apparatus, said portable recording medium **being removable from said processor-based apparatus without powering off said processor-based apparatus**" (emphasis added). Further, the information digitally recorded on the claimed portable recording medium includes "a reservation set command...to set a reservation of at least one of video recording and audio recording of the program" and "program attribute information including at least a broadcast start time of the program. Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Knudson.

In rejecting claim 1, the Examiner cites to paragraphs 0057 and 0087, and Figs. 1 and 7, in Knudson. These sections describe the use of the interactive television program guide, which is displayed through the use of Knudson's "control circuitry" (42) of Fig. 3 (e.g., the set-top box (24) of Fig. 2). See paragraphs 0044-47 of Knudson. However, in Knudson, control circuitry obtains such program guide information **by transmission** from the **television distribution facility** (16) of Fig. 1, as described in paragraph 0048. Even though Knudson's control circuitry can be connected for controlling a recording device (45) such as a recordable DVD (see paragraph 0046), Knudson does **not** read the program guide information from such recording device. Further, even assuming that Knudson's control circuitry (e.g., set-top box) contains internal memory for storing the program guide information as it is received from the television distribution facility, such internal memory would **not be removable without powering off** the control circuitry (e.g., set-top box). Thus, the internal memory of Knudson's control circuitry

which temporarily stores the program guide information **cannot** be interpreted as the claimed portable recording medium.

Accordingly, there is no teaching or suggestion in Knudson of a portable recording medium, which is removable from the processor-based apparatus without powering off the processor based apparatus, and on which is digitally recorded *inter alia* a reservation set command and program attribute information to be read and processed by the processor-based apparatus. Therefore, Knudson fails to disclose or make obvious the combination of elements recited in independent claim 1. Reconsideration and withdrawal of the rejection of claim 1 is thus respectfully requested.

With regard to dependent claims 2, 10, and 17, Applicants submit that these claims depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above. Therefore claims 2, 10, and 17 are allowable at least by virtue of their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3-9, 11-16, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Kanazawa et al. (US 6,580,870). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

As discussed above, independent claim 1 recites a combination of elements which are neither disclosed nor made obvious by Knudson. It is further respectfully submitted that Kanazawa does not cure these deficiencies of Knudson with regard to independent claim 1. Particularly, Applicants submit that Kanazawa fails to disclose a portable recording medium on which is digitally recorded *inter alia* a reservation set command and program attribute information as claimed. With regard to dependent claims 3-9, 11-16, and 18-20, Applicants submit that such claims depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above. Therefore claims 3-9, 11-16, and 18-20 are allowable at least by virtue of their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

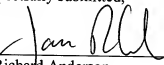

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: June 10, 2010

Respectfully submitted,

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